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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,995	01/19/2005	Wilfried Pinzl	000137.00040	2026
22907	7590	06/08/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			SAETHER, FLEMMING	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/501,995	PINZL, WILFRIED	
	<b>Examiner</b>	<b>Art Unit</b>	
	Flemming Saether	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Election/Restriction***

Applicant's election of species B, Figs. 2a and 2b is acknowledged. Applicant further indicates that the Figs. 5-8 are not separate species and therefore, the examiner considers those species as relating to Figs. 5-8 as being not patentably distinct. Original claims 7-9 continue to be withdrawn and new claims 17-19 are also withdrawn as being drawn to non-elected species.

***Specification***

The disclosure is objected to because of the following informalities: since this application is a translation from a foreign language it includes informalities inherent therewith such as the idiomatic English, lack of appropriate heading and reference to the claims within the specification. Applicant is also reminded that the Abstract must be on a separate sheet of paper by itself.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-16, 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of claims 11 and 21, there is no antecedent basis for radial pressure being applied upon introduction into the

penetration since the sleeve is only "configured" for introduction into the penetration. The claims were examined as best understood as being directed to the sleeve itself without it being introduced into the penetration. Also in claim 21, lines 10-11 it is confusing in referring to flat wall and being bent since "flat" and "bent" are generally contradict one another. In claim 20, it is not understood how the base is capable of bending with radial pressure since the wall is perpendicular to the direction of the force.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Newhall (US 1,057,975). Newhall discloses a supporting sleeve comprising a closed ring shaped section (at its uppermost end); a plurality of inwardly extending recesses (16) extending over the length of the sleeve, each formed by inwardly bent walls (17) and a base (not labeled, but shown as the radially outer wall which forms the recess) which connects the walls; the walls being generally radially oriented. The recesses and base are capable of moving towards one another with the application of a force.

Claims 11, 12 and 20 are alternatively rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (GB 636,858). Taylor discloses a supporting sleeve comprising a

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ring shaped section; a plurality of inwardly extending recesses (2) extending the entire length of the sleeve, each formed by inwardly bent walls (read as the straight lengths of the elements 1) and a base (read as the curved length of the element 1) which connects the walls; the walls being *generally* radially oriented. The recesses and base are capable of moving towards one another with the application of a force.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Maloof (US 3,295,578). Maloof discloses a supporting sleeve (15) comprising a closed ring-shaped cross section (see Fig. 2); a plurality of inwardly extending recesses (the axially inwardly opening recesses) over the length of the sleeve, each being formed by three flat surfaces (see Fig. 2) connected by two elbows, two of the flat surfaces being inwardly bent and the third flat surface forming a base (the radially outermost surface). The recesses and base are capable of moving towards one another with the application of a force.

### ***Allowable Subject Matter***

Claims 13-15 appear would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Remarks***

Applicant's remarks have been considered but, are now moot in view of the new grounds of rejection necessitated by the new claims.

***Conclusion***


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Flemming Saether  
Primary Examiner  
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